

Remarks

In issuing the Final Office Action, the Examiner repeated his previous rejection of claims 22, 24, and 25 under 35 USC § 102(b) as being anticipated by Schroeder et al. (US 5,238,099) and claim 23 under 35 USC § 103(a) as being unpatentable over Schroeder et al. in view of Costanzo (US 6,758,323). The Examiner indicated that all the other claims (1-21) are allowable. Claim 22 has been amended and is presented in *prima facie* condition for allowance. Claims 1-25 remain in the application.

Claim 22 has been amended to specify that the roller-top belt travels in a first direction of belt travel in the first loop and that the drive belt travels in or opposite to the first direction of belt travel in the second loop inside the first loop. Support for this amendment is found, among other places, in allowed independent claims 1 and 11 and in Paragraphs 13 and 16 of the specification. MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Schroeder et al. does not describe a roller-top belt arranged to travel in a first loop in a first direction of belt travel and having rollers extending beyond inner and outer sides of the first loop formed by the roller-top belt and a drive belt arranged to travel in a second loop inside the first loop in or opposite to the first direction of belt travel and having an outer surface positionable into driving contact with the rollers of the roller-top belt along a portion of the inner side of the first loop. Therefore, claim 22 and its dependent claims 24 and 25 are presented in *prima facie* condition for allowance. Because Schroeder et al. does not anticipate

independent claim 22 and Costanzo does not disclose the claim elements missing from Schroeder et al., the § 103(a) rejection of dependent claim 23 should likewise be withdrawn.

Applicant respectfully requests entry of the amendment of claim 22 putting all the rejected claims in *prima facie* condition for allowance.

This amendment is being sent within two months of the Final Office Action.
Authorization to charge any fees deemed necessary for consideration of this response to Deposit Account No. 12-0090 is hereby given. If the Examiner thinks a telephone conference would expedite the prosecution of this application, he is invited to call the undersigned attorney.

Respectfully submitted,
Kyle J. Sedlacek

Date:

July 28, 2005

By:

James T. Cronvich

James T. Cronvich

Reg. No. 33163

Laitram, L.L.C.

220 Laitram Lane

Harahan, LA 70123

Telephone: (504) 570-1243

Fax: (504) 734-5233